

POLICY 5.001

5-F I recommend the Board approve the proposed revisions to Policy 5.001, to be renamed "Protecting Students from Harassment and Discrimination."

[CONTACT: Dr. MaryAnn DuPont, 434-8963.]

, Development

CONSENT ITEM

- 37
- 38 a. Complaint is defined as ~~A complaint means~~ allegations regarding any action,
39 policy, procedure, or practice prohibited by this policy.
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- 41 b. Complainant is defined as ~~A complainant is~~ a student of, or applicant for
42 admission to, the ~~School~~ District who submits a complaint of harassment or
43 discrimination or an individual or group submitting a complaint on behalf of a
44 student(s).
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- 46 c. Day is defined as ~~All days are~~ a working days and do not include weekends or
47 holidays unless noted as "calendar day."
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- 49 d. Accused/student is defined as ~~The accused is~~ a student alleged to be responsible
50 for the violation that is alleged in the complaint.
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- 52 e. Accused/employee is defined as ~~The accused is~~ a School District employee
53 alleged to be responsible for the violation alleged in the complaint.
- 54
- 55 f. Parties is defined as ~~Parties means~~ the accused student and/or accused/employee,
56 and the ~~C~~complainant.
- 57
- 58 g. Protected Categories include ~~Protected categories are~~ sex, race, color, religion,
59 sex, national origin, age, disability, ~~or and~~ marital status, pursuant to Title IX of
60 the Education Amendments of 1972; Section 504 of the Rehabilitation Act of
61 1973; the Americans with Disabilities Act; §§ 228.2001(2)(a) (the Florida
62 Education Equity Act); 760.01(2) (the Florida Civil Rights Act), Fla. Stat.; and Art.
63 1, § 2, Fla. Const.
- 64
- 65 h. School Official, for purposes of this Policy, is defined as ~~School Officials include~~
66 School Board employees, principals, assistant principals, teachers, and school
67 police officers who have the duty of reasonable supervision with respect to
68 student activities.
- 69
- 70 7. Title IX Coordinator and ADA/504 Specialist.– Equal educational opportunities are
71 guaranteed by Title VI of the Civil Rights Act of 1964, Title IX of the Education
72 Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973. The District
73 has designated the ~~EE~~ Equal Employment Opportunity ("EEO") Coordinator as the

74 person responsible for ensuring that students and their custodial parent(s)/guardian
75 receive information related to discrimination and harassment.

- 76
- 77 8. The EEO/Title IX Coordinator is located at: 3370 Forest Hill Boulevard, Suite ~~A-128,~~
78 A-115, West Palm Beach, Florida 33406; Telephone: (561) 434-8637.
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- 80 9. For those complaints concerning the Americans with Disabilities Act ("ADA") or
81 Section 504 of the Rehabilitation Act, the District has designated an ADA/504
82 Specialist.
- 83
- 84 10. The ADA/504 Specialist is located at ~~3336~~ 3308 Forest Hill Boulevard, Suite ~~B-102~~ C-
85 143, West Palm Beach, Florida, 33406; Telephone: (561) 434-8817.
- 86
- 87 11. This contact information is to be posted in highly visible locations at each school
88 including the main office, the guidance waiting area, and student services.
- 89
- 90 12. **Prohibited Harassment.**— For purposes of this Policy, Harassment occurs when
91 conduct is sufficiently severe, persistent, or pervasive that it has the purpose or effect
92 of unreasonably interfering with a student's performance or ability to benefit from
93 his/her education, or creates an intimidating, hostile, offensive, or abusive school
94 environment. Types of conduct which are prohibited in the District and which may
95 constitute harassment include, but are not limited to:
- 96
- 97 a. Demeaning or derogatory comments, name-calling, racial slurs, or jokes, threats,
98 abusive words, gestures, or harm to an individual.
- 99
- 100 b. Displaying visual or written material, including notes, stories, drawings, or
101 pictures, or defacing school property or materials to demean a person.
- 102
- 103 c. Damaging, defacing or destroying private property of any person.
- 104
- 105 d. Bullying.
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- 107 e. Requests for sexual favors and other conduct of a sexual nature as set forth in
108 Policy 5.81.
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- 110 f. Any act of retaliation against an individual who reports a violation of the
111 ~~District's Board's~~ harassment and discrimination policy or ~~who~~ participates in the
112 investigation of a discrimination or harassment complaint.
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114 13. GRIEVANCE PROCEDURE FOR HARASSMENT OR DISCRIMINATION BY
115 STUDENTS -- Investigation and Resolution of Complaints Against an
116 (Accused/Student)
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- 118 a. ~~Site Level Procedure~~ Reporting Discrimination or Harassment.-- Any student or
119 applicant for admission who believes he/~~or~~she is a victim of discrimination or
120 harassment (or any individual, including any student, teacher, or other employee
121 of the ~~School D~~ district, who has knowledge of any incident(s) involving
122 discrimination or harassment of students) is strongly encouraged to report the
123 incident(s) to the principal or other a-school official or the EEO/ Title IX
124 Coordinator or ADA/504 Specialist.
125
- 126 b. School officials must report any allegations of discrimination or harassment to the
127 ~~P~~principal and to the EEO/Title IX Coordinator or ADA/504 Specialist.
128
- 129 c. School officials must instruct students and their custodial parent(s)/guardian that
130 ~~they~~ the student, or custodial parent(s)/guardian on behalf of the student, may file
131 a complaint with the ~~P~~principal/~~or~~designee, EEO/Title IX Coordinator or
132 ADA/504 Specialist.
133
- 134 d. **Principal Involvement.**-- If the ~~P~~principal is directly and personally involved with
135 a complaint or is closely related to ~~with the a parties-party~~ to the complaint, then
136 an ~~impartial designee~~ the area superintendent shall be asked to conduct the
137 investigation.
138
- 139 e. **Informal Resolution.**-- Where appropriate, the complainant and the
140 accused/student may agree to informally resolve the complaint.
141
- 142 i. The ~~P~~principal/~~or~~designee may arrange for the parties to resolve the
143 complaint informally.
144
- 145 ii. The student, or the custodial parent(s)/guardian on behalf of the student,
146 who complained shall never be asked to work out the problem directly with

- 147 the accused/student unless the assistance of a counselor, teacher,
148 administrator, or mediator is provided and the complainant is willing.
149
- 150 iii. If the complaint is resolved informally, the Pprincipal/ordesignee shall notify
151 the EEO/Title IX Coordinator or ADA/504 Specialist of the resolution of the
152 complaint.
153
- 154 f. **Filing the Complaint Report.**– If the matter cannot be resolved informally, the
155 Pprincipal/ordesignee shall assist the student, or custodial parent(s)/guardian on
156 behalf of the student, in filing a complaint. ~~Individuals~~ The student or custodial
157 parent(s)/guardian on behalf of the student may file a complaint, either orally or
158 in writing with the Pprincipal/ordesignee by using ~~the Harassment and~~
159 ~~Discrimination Complaint Student Complaint Report F~~orm (PBSD 1615). Said
160 form is hereby incorporated by reference and made a part of this Policy and shall
161 be filed with the Clerk of the School Board herewith and is available on the
162 District's web site at <http://www.palmbeach.k12.fl.us/Records/Forms.htm>.
163
- 164 g. Complaints should be made as soon as possible but no later than sixty (60)
165 calendar days of the alleged incident. Failure on the part of the complainant to
166 initiate and/or follow up on a complaint in a timely manner may result in the
167 complaint being deemed abandoned.
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- 169 h. The complainant will be requested to provide signed, specific information
170 regarding the alleged discrimination or harassment, the alleged offender(2),
171 witnesses, and other relevant information.
172
- 173 i. If the student, or custodial parent(s)/guardian on behalf of the student, does not at
174 first file a written complaint, the student, or custodial parent(s)/guardian on behalf
175 of the student, will be requested to complete the complaint form. The
176 principal/ordesignee may assist the student, or custodial parent(s)/guardian on
177 behalf of the student, in completing the form, or may complete the form for the
178 student or for the custodial parent(s)/guardian who is acting on behalf of the
179 student. In all instances, the student, or custodial parent(s)/guardian on behalf of
180 the student, shall review the form to ensure its accuracy and sign and date the
181 complaint.
182

- 183 j. All complaints filed with the ~~P~~principal/~~or~~ designee must be reported to the
184 ~~A~~area superintendent ~~Executive Director~~ and the EEO/Title IX Coordinator or
185 ADA/504 Specialist.
- 186
- 187 k. **Notice to Accused/Student.**— Within two (2) days of receipt of a complaint, the
188 ~~P~~principal/~~or~~designee will notify the accused/student, and the custodial
189 parent(s)/guardian thereof, of the allegations.
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- 191 l. **Notice to Parent(s)/Guardians.**— Upon receiving a complaint, within two (2)
192 days of the allegations, and in accordance with federal and state privacy laws, the
193 principal/designee shall notify the custodial parent(s)/guardian of any student
194 under age eighteen (18) who is involved in alleged harassment or discrimination.
195 Notification may be made by telephone, letter, or personal conference. The
196 student(s) involved and his/her custodial parent(s)/guardian will also be notified
197 of events and decisions described in this Policy.
- 198
- 199 m. **Steps in the Investigation.**— The ~~P~~principal/~~or~~ designee shall promptly and
200 thoroughly investigate all complaints of harassment or discrimination ~~which shall~~
201 ~~mandate,~~ including, at minimum, the following steps:—
- 202
- 203 i. ~~P~~promptly talk with the complainant;—
- 204
- 205 ii. ~~T~~he complainant or custodial parent(s)/guardian thereof shall have an
206 opportunity to describe the incident, present witnesses and other evidence
207 of the harassment or discrimination, and put ~~his/her~~ the complaint in writing
208 if he/she has not already done so;—
- 209
- 210 iii. ~~P~~romptly talk with the accused/student, or custodial parent(s)/guardian
211 thereof on behalf of the accused/student;—
- 212
- 213 iv. ~~T~~he accused/student, or custodial parent(s)/guardian on behalf of the
214 accused/student, shall have an opportunity to describe the incident, present
215 witnesses and other evidence, and put his/her response in writing;—
- 216
- 217 v. ~~T~~alk with any person who saw the harassment, has knowledge of the
218 discrimination, or who may have related information; and
- 219

- 220 vi. Conduct a conference, if appropriate, with the complainant and custodial
221 parent(s)/guardian thereof and the accused/student and custodial
222 parent(s)/guardian and give notice of the date, time, place, and rules to the
223 parties.
224
- 225 n. The principal/designee shall document all complaints to ensure that problems are
226 appropriately addressed. Failure by the principal to respond to a complaint in a
227 timely manner will automatically allow the complainant to re-file the complaint
228 with the area superintendent.
229
- 230 o. **Pursuing the Investigation.** During the investigation, the ~~P~~principal/~~o~~r designee
231 may take any action necessary to protect the complainant, or other ~~employees or~~
232 students or employees, consistent with the requirements of applicable regulations
233 and statutes. In general, complainants will continue attendance at the same
234 school and pursue their studies as directed while the investigation is conducted
235 and the complaint is pending resolution.
236
- 237 i. ~~The P~~principal/~~o~~r designee shall document all complaints to ensure that
238 ~~problems are appropriately addressed.~~
239
- 240 ii. The ~~P~~principal/~~o~~r designee is encouraged to ask open-ended questions to
241 enable students to describe what happened in their own words.
242
- 243 iii. The ~~P~~principal/~~o~~r designee may request that the accused/student or custodial
244 parent(s)/guardian thereof, on the accused/student's behalf, prepare a written
245 response to the complaint; or the ~~P~~principal/~~o~~r designee may prepare a
246 written statement of the accused/student's oral response to the complaint
247 based on their meeting and obtain the signature of the accused/student,
248 and/or custodial parent(s)/guardian thereof, after his/her review of the
249 statement.
250
- 251 iv. The ~~P~~principal/~~o~~r designee should ~~review and~~ dictate and then review
252 his/her notes with the complainant and accused/student after the interviews
253 to verify the facts and ensure accuracy, and then obtain signatures, but shall
254 not tape the interviews.
255

- 256 v. When necessary to carry out ~~his/her~~ the investigation or for other good
257 reasons, and consistent with federal and state privacy laws, the ~~P~~principal/
258 ~~or~~designee also may discuss the complaint with the following persons:
259
- 260 A. Superintendent/or designee;
 - 261
 - 262 B. Chief Academic Officer;
 - 263
 - 264 C. ~~A~~area superintendent/designee ~~Executive Directors~~;
 - 265
 - 266 D. ~~A~~associate Superintendents;
 - 267
 - 268 E. Chief of School Police~~;~~
 - 269
 - 270 F. ~~T~~he custodial parent(s)/guardian of the complainant, if the complainant
271 is under eighteen (18) years of age~~;~~
 - 272
 - 273 G. ~~T~~he custodial parent(s)/guardian of the accused/student, if the student
274 is under eighteen (18) years of age~~;~~
 - 275
 - 276 H. ~~A~~a teacher or staff member whose knowledge of the students involved
277 may help determine who is telling the truth~~;~~
 - 278
 - 279 I. ~~C~~hild protective agencies responsible for investigating child abuse~~;~~
280 and/or
 - 281
 - 282 J. ~~L~~egal counsel for the ~~district~~ Board.
 - 283
- 284 p. **Written Decision of the Principal/Designee**-- Upon completion of the
285 investigation, the ~~P~~principal/ordesignee will make a decision about the validity of
286 the allegations in the complaint and about any corrective action, if
287 applicable/~~necessary~~. In reaching a decision about the complaint, the ~~P~~principal/
288 ~~or~~ designee should take into account:
- 289
 - 290 i. ~~S~~tatements made by the persons identified in ~~Section 5~~ paragraph (13)(m),
291 above;
 - 292

- 293 ii. ~~T~~he details and consistency of each person's account;
294
295 iii. ~~E~~vidence of how the complainant reacted to the incident;
296
297 iv. ~~E~~vidence of past instances of harassment or discrimination by the
298 accused/student (provided that, if evidence of harassment/ discrimination,
299 accusations, or complaints are to be considered, the principal/designee must
300 review the files regarding those past incidents in their entirety);
301
302 v. ~~E~~vidence of past harassment or discrimination complaints that were found
303 to be untrue (provided that, if evidence of past accusations or complaints are
304 to be considered, the principal/designee must review in their entirety the
305 files regarding those past incidents); and
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307 vi. ~~C~~ase law, state and federal laws and regulations, and the ~~District's~~ Board's
308 Policy prohibiting harassment and discrimination.
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310 q. To determine the severity of the harassment or discrimination, the ~~P~~principal/~~or~~
311 designee should consider, among other things:
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313 i. ~~H~~ow the misconduct affected one or more student's education;
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315 ii. ~~T~~he type, frequency, and duration of the misconduct;
316
317 iii. ~~T~~he number of persons involved;
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319 iv. ~~T~~he subject(s) of harassment or discrimination;
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321 v. ~~T~~he place and situation where the incident occurred; and/or
322
323 vi. ~~O~~ther similar incidents at the school.
324
325 r. Within thirty (30) calendar days of the filing of the complaint, the ~~P~~principal/~~or~~
326 designee shall give the ~~A~~area superintendent/designee ~~Executive Director or~~
327 ~~designee~~ and the EEO/Title IX Coordinator or ADA/504 Specialist a written report
328 that describes the complaint and investigation and contains ~~his/her~~ findings, a
329 decision, and reasons for the decision.

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- i. ~~If he/she~~ the principal/designee verifies that harassment or discrimination occurred, this report shall describe the actions ~~he/she took~~ taken to end the harassment or discrimination, address the effects of the harassment or discrimination on the complainant, and prevent retaliation or further harassment or discrimination.
 - ii. The ~~P~~principal/~~or~~ designee shall notify the parties and their custodial parent(s)/guardians in writing of ~~his/her~~ the decision and their right to review by the ~~A~~area superintendent/ Executive Director ~~or~~ designee.
 - iii. No retaliation of any kind is permitted because an individual has made a discrimination or harassment complaint.

344 **14. ~~Appeal to Review by Area Superintendent Executive Director~~ of a Complaint Against**
345 **an Accused/Student**– If the complaint is not resolved at the school-site level to the
346 satisfaction of the parties or their custodial parent(s)/guardian in the site-level process,
347 either party or their custodial parent(s)/guardian may seek review by the area
348 superintendent/designee through the following process:

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- a. The written complaint and request for review shall be sent to the ~~A~~area superintendent's Executive Director's office within ten (10) days of the completion of the site-level process by the ~~P~~principal.
 - i. If the principal's designee conducted the ~~investigation~~review, the first level of appeal is to the principal. If the complaint has been reviewed or conducted by the principal, the next level of appeal is to the A area superintendent/ Executive Director or designee, by using the following procedures. (If the complaint was originally filed with, and investigated by, the EEO/Title IX Coordinator instead of the principal, the next level of appeal is to the Chief Academic Officer/designee).
 - ii. If the ~~A~~area superintendent/designee Executive Director is directly involved with a complaint or with the parties to the complaint, then ~~an impartial designee~~ the Chief Academic Officer/designee shall be asked to conduct the review and/or further investigation.

- 367 b. **Notice Requirement.**-- Notice will be given to all parties of a request for review
368 by the Area superintendent/Executive Director or designee within ~~two (2)~~ days of
369 the request for review.
- 370
- 371 c. **Procedure.**-- The Area superintendent ~~Executive Director~~ or designee shall
372 review the complaint, the answer to the complaint, the principal/designee's
373 report, and any other evidence in the record. The A area superintendent
374 ~~Executive Director~~ or designee may also conduct any further investigation ~~he/she~~
375 ~~deems deemed~~ necessary. ~~Time limits may be extended by written mutual~~
376 ~~agreement of the individuals and the person to whom the complaint is addressed.~~
- 377
- 378 i. During the investigation, the Area superintendent/ ~~Executive Director~~ or
379 designee may take any action necessary to protect the complainant, or other
380 employees or students consistent with the requirements of applicable
381 regulations and statutes.
- 382
- 383 ii. The Area superintendent ~~Executive Director~~ or designee will review the
384 Pprincipal's decision as to the validity of the allegations and any corrective
385 action, and will make a decision within thirty (30) calendar days after receipt
386 of the request for review. Time limits may be extended by written mutual
387 agreement of the complainant or custodial parent(s)/guardian on behalf
388 thereof, and the accused/student or custodial parent(s)/guardian on behalf
389 thereof.
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- 391 iii. The Area ~~Executive Director~~ or superintendent/designee shall take action
392 deemed appropriate to resolve the situation, including, but not limited to,
393 warning, out-of-school suspension, ~~expulsion~~, transfer to alternative school,
394 recommendation for expulsion, or other disciplinary action by the school,
395 consistent with the requirements of applicable procedures outlined in each
396 Sschool's *Student-Parent Handbook*, ~~School District~~ Board Policy, and
397 Florida law.
- 398
- 399 iv. The Area ~~Executive Director~~ or superintendent/designee will inform the
400 parties and their custodial parent(s)/guardian in writing of ~~his/her~~ the
401 decision and the ~~parties'~~ right to appeal.
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- 403 v. A copy of the decision will be sent to the ~~EEO~~/Title IX Coordinator (or
404 ADA/504 Specialist, if the complaint relates to a disability).
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406 **15. Appeal Procedure to Chief Academic Officer/Designee**
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- 408 a. If the complainant or accused/student or their custodial parent(s)/guardian is
409 dissatisfied with the Area superintendent's Executive Director's decision, it may
410 be appealed in writing to the ~~Superintendent~~ chief academic officer/designee
411 within ten (10) days after receipt of the decision.
412
- 413 i. If the area superintendent's designee conducted the review, the next level of
414 appeal is to the area superintendent rather than to the Chief Academic
415 Officer.
416
- 417 ii. If the Chief Academic Officer/designee ~~superintendent~~ is directly involved
418 with a complaint or closely related to ~~with~~ one of the parties to the
419 complaint, then ~~an impartial designee~~ the Chief Operating Officer/designee
420 shall be asked to review the matter.
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- 422 b. **Notice.**-- Notice of the appeal shall be given in writing to all the parties and their
423 custodial parent(s)/guardian within two (2) days of ~~notice of~~ receipt of appeal.
424
- 425 c. **Procedure.**-- ~~The Superintendent~~ Chief Academic Officer/~~or~~ designee shall
426 review the written complaint, the accused/student's response to the complaint (or
427 the response of the parent/guardian on behalf of the accused/student), and all
428 documentation pertaining to the alleged harassment or discrimination including
429 the Area superintendent's Executive Director's decision.
430
- 431 i. ~~The Superintendent~~ Chief Academic Officer/~~or~~ designee, ~~in his/her~~
432 ~~discretion,~~ may request additional information.
433
- 434 ii. ~~The Superintendent~~ Chief Academic Officer/~~or~~ designee shall issue a written
435 decision to the parties and their custodial parent(s)/guardian within twenty
436 (20) calendar days of request of the appeal.
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438 **16. Appeal to the Superintendent/Designee**
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440 a. If the complainant or accused/student (or their custodial parent(s)/guardian, on
441 their behalf) is dissatisfied with the Chief Academic Officer's decision, it may be
442 appealed in writing to the Superintendent within ten (10) days after receipt of the
443 decision.

444
445 i. If the Chief Academic Officer's designee conducted the review, the next level
446 of appeal is to the Chief Academic Officer rather than to the Superintendent.

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448 ii. If the Superintendent is directly involved with a complaint or closely related
449 to one of the parties to the complaint, then the Chief Counsel to the Board
450 shall be asked to review the matter and report the findings to the Board.

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452 b. **Notice.**— Notice of the appeal shall be given in writing to all the parties and their
453 custodial parent(s)/guardian within two (2) days of notice of receipt of appeal.

454
455 c. **Procedure.**— The Superintendent/designee shall review the written complaint,
456 the accused/student's response to the complaint (or the response of the
457 parent/guardian on behalf of the accused/student), and all documentation
458 pertaining to the alleged harassment or discrimination, including the Chief
459 Academic Officer's decision.

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461 i. The Superintendent may request additional information.

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463 ii. The Superintendent/designee shall issue a written decision to the parties and
464 their custodial parent(s)/guardian within twenty (20) calendar days of request
465 of the appeal. The decision of the Superintendent/designee is final.

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467 17. **Other Means of Resolution.**— If the complainant is not satisfied with the results of the
468 procedures contained in this policy, he/~~or~~she may utilize other means for resolution as
469 provided by law, including seeking recourse through the ~~F~~federal Office for Civil
470 Rights ("OCR").

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472 18. **GRIEVANCE PROCEDURE FOR HARASSMENT OR DISCRIMINATION BY AN**
473 **EMPLOYEE – Investigation and Resolution of Complaints Against an**
474 **(Accused/Employee)**

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476 a. **Site Level Procedure: Reporting Discrimination or Harassment.**— Any student/

- 477 applicant for admission (or the custodial parent(s)/guardian on that complainant's
478 behalf) who believes he/~~or~~ she is a victim of discrimination or harassment (or any
479 individual, including any student, teacher, or other employee of the School
480 District who has knowledge of any incident(s) involving discrimination or
481 harassment of students) is strongly encouraged to report the incident(s) to a
482 school official or the EEO/Title IX Coordinator or ADA/504 Specialist.
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- 484 b. School officials must report any allegations of discrimination or harassment to the
485 ~~P~~principal and to the EEO/Title IX Coordinator or ADA/504 Specialist.
486
- 487 c. School officials must instruct students that they may file a complaint with the
488 ~~P~~principal/~~or~~designee, EEO/Title IX Coordinator, or ADA/504 Specialist. If the
489 principal is directly involved with a complaint or with the parties to the
490 complaint, then the incident may be reported directly to the EEO/Title
491 Coordinator or ADA/504 Specialist.
492
- 493 d. It is the responsibility of the principal to forward all complaints to the area
494 superintendent and Title IX Coordinator or ADA/504 Specialist.
495
- 496 ~~e. If the Principal is directly involved with a complaint or with the parties to the~~
497 ~~complaint, then the incident may be reported directly to the EEO Coordinator or~~
498 ~~504 Specialist.~~
499
- 500 f. **Filing the Complaint Form.** ~~The complainant, or custodial parent(s)/guardian on~~
501 ~~behalf thereof,~~ may file a complaint, either orally or in writing, with the
502 ~~P~~principal/~~or~~designee, EEO/Title IX Coordinator, or ADA/504 Specialist by using
503 the ~~Harassment and Discrimination~~ Student Complaint Report ~~F~~form (PBSD
504 1615), available on the District's web site at [www.palmbeach.k12.fl.us/](http://www.palmbeach.k12.fl.us/Records/Forms.htm)
505 Records/Forms.htm.
506
- 507 i. Complaints should be filed as soon as possible after the alleged incident, but
508 must be filed within sixty (60) calendar days of the alleged incident.
509
- 510 ii. The ~~P~~principal/ ~~or~~ designee may assist the individual in completing the
511 ~~F~~form by recording information on the the ~~Harassment and Discrimination~~
512 Student Complaint Report ~~F~~form, reviewing it with the complainant, and
513 obtaining the complainant's signature.

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- iii. Complaints filed with the ~~P~~ principal/~~or~~ designee must be reported to the ~~A~~area superintendent ~~Executive Director~~ and the EEO/Title IX Coordinator or ADA/504 Specialist.
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- g. Notice to Parent(s)/Guardians.— Upon receiving a complaint, within two (2) days of the allegations, and in accordance with federal and state privacy laws, the principal/designee shall notify the custodial parent(s)/guardian of any student under age eighteen (18) who is involved in alleged harassment or discrimination. Notification may be made by telephone, letter, or personal conference. The students involved and their custodial parent(s)/guardians will also be notified of events and decisions described in this Policy.
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- h. Investigation by EEO/Title IX Coordinator or ADA/504 Specialist.— The EEO/Title IX Coordinator/~~or~~designee or ADA/504 Specialist shall document and promptly and thoroughly investigate all complaints of harassment or discrimination, including the following steps to ensure that problems are appropriately addressed:
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- i. ~~P~~romptly talk with the complainant. The complainant and/or the custodial parent(s)/guardian of the complainant shall have an opportunity to describe the incident, present any evidence, name witnesses, and put his/her complaint in writing, if he/she has not already done so;~~;~~
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- ii. ~~T~~alk with any witnesses or others who may have relevant information;~~;~~ and
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- iii. ~~C~~onduct an investigation~~ave~~ meeting with the accused/employee, and the accused/employee's representative, if applicable, to discuss the allegations and allow the accused/employee to respond to the allegations.
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- i. During the investigation, the EEO/Title IX Coordinator or ADA/504 Specialist may recommend to the Chief Personnel Officer/~~or~~designee, any action necessary to protect the complainant, or other employees or students, consistent with the requirements of applicable ~~regulations or statutes,~~ State Board of Education Rules, School Board Policies, and collective bargaining agreements. In general, complainants will continue attending the same school and pursuing their studies

550 as directed while the investigation is conducted and the complaint is pending
551 resolution.

552
553 ~~i. The EEO Coordinator or 504 Specialist shall document all complaints to~~
554 ~~ensure that problems are appropriately addressed.~~

555
556 ii. When necessary to carry out ~~his/her~~ the investigation or for other good
557 reasons, and consistent with federal and state privacy laws, the EEO/Title IX
558 Coordinator or ADA/504 Specialist also shall discuss the complaint with the
559 following persons:

- 560
561 A. Superintendent/~~or~~ designee;
- 562
563 B. Chief Academic Officer and/or Chief Operating Officer;
- 564
565 C. ~~A~~ area superintendent/designee ~~Executive Directors~~;
- 566
567 D. ~~A~~ associate S superintendents;
- 568
569 E. Chief of School Police;
- 570
571 F. Chief Personnel Officer;
- 572
573 G. Director of ~~Employee~~ Labor Relations;
- 574
575 H. ~~T~~ the custodial parent(s)/guardian of the complainant, if the complainant
576 is under eighteen (18) years of age;
- 577
578 I. ~~A~~ a teacher or staff member whose knowledge of the student(s) or
579 employee(s) involved may help determine who is telling the truth;
- 580
581 J. ~~C~~ child protective agencies responsible for investigating child abuse;
- 582
583 K. ~~L~~ egal counsel for the ~~District Board~~; and/or
- 584
585 L. ~~E~~ xclusive bargaining representative or ~~the~~ legal counsel thereof, if
586 appropriate; and

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M. the accused/employee.

19. ~~Resolution~~ **Decision of the EEO/Title IX Coordinator or ADA/504 Specialist.**— Upon completion of the investigation, the EEO/Title IX Coordinator or ADA/504 Specialist shall make a decision about the validity of the allegations in the complaint.

a. The EEO/Title IX Coordinator or ADA/504 Specialist shall discuss the determination and any recommended corrective action with the ~~P~~principal/~~o~~r designee.

b. In reaching a decision about the complaint, the following should be taken into account:

i. ~~S~~statements made by the persons identified in Paragraphs (18)(h), (i) above;

ii. ~~T~~he details and consistency of each person's account;

iii. ~~E~~vidence of how the complainant reacted to the incident;

iv. ~~E~~vidence of past instances of harassment or discrimination by the accused/employee (provided that, if evidence of past harassment/discrimination incidents are to be considered, the investigator must review in their entirety the files regarding those past incidents);

v. ~~E~~vidence of past harassment or discrimination complaints that were found to be untrue (provided that, if evidence of past harassment/discrimination accusations or complaints are to be considered, the investigator must review in their entirety the files regarding those past complaints); and

vi. ~~C~~ase law, state and federal laws and regulations, and the ~~D~~istrict's Board's Policyies prohibiting harassment and discrimination.

c. To determine the severity of the harassment or discrimination the following may be considered:

i. ~~H~~ow the misconduct affected one or more student's education;

- 624
- 625 ii. ~~T~~he type, frequency, and duration of the misconduct;
- 626
- 627 iii. ~~T~~he number of persons involved;
- 628
- 629 iv. ~~T~~he subject(s) of harassment or discrimination;
- 630
- 631 v. ~~T~~he place and situation where the incident occurred; and
- 632
- 633 vi. ~~O~~ther incidents at the school.
- 634
- 635 d. The following action(s) or discipline may be taken to resolve a complaint of
- 636 harassment or discrimination:
- 637
- 638 i. ~~N~~o action if complaint is unsubstantiated;
- 639
- 640 ii. ~~T~~he training requirements for the employee;
- 641
- 642 iii. ~~O~~ral reprimand of the employee;
- 643
- 644 iv. ~~W~~ritten reprimand of the employee;;
- 645
- 646 v. ~~S~~suspension of the employee;
- 647
- 648 A. For the first verified offense of harassment of, or discrimination against,
- 649 a student, suspension should be recommended for a minimum of thirty
- 650 (30) days without pay up to and including termination.
- 651
- 652 B. Suspension without pay ~~and/or termination~~ requires School Board
- 653 action.
- 654
- 655 vi. Termination of the employee should be recommended, subject to Board
- 656 action, for the second offense of verified harassment of, or discrimination
- 657 against, a student.
- 658

659 20. Appeal Procedure for an Accused/Employee

660

- 661 a. If the accused/employee wishes to appeal the action taken in resolution of the
662 complaint, such appeal shall be filed either in accordance with ~~District Board~~
663 Policyes or pursuant to the relevant collective bargaining agreement.
664
- 665 b. For those employees not in a bargaining unit, the appeal shall be filed in
666 accordance with Board Policy 3.31.
667

668 21. **Appeal Procedure for Student/Complainant When the Accused Is an Employee**
669

- 670 a. If the complainant ~~or accused/student~~ (or custodial parent(s)/guardian on behalf
671 of the complainant) is dissatisfied with the EEO/Title IX Coordinator's or
672 ADA/504 Specialist's decision, it may be appealed in writing to the
673 Superintendent Chief Operating Officer/designee within ten (10) days after
674 receipt of the decision. However, if the Superintendent Chief Operating Officer
675 is directly involved with a complaint or closely related to ~~with~~ one of the parties
676 ~~to the complaint~~, then an ~~impartial designee~~ the Chief Academic Officer shall be
677 asked to review the matter.
678
- 679 b. **Notice.**— Notice of the appeal shall be given to ~~all~~ the parties and the custodial
680 parent(s)/guardian of the complainant within two (2) days of notice of receipt of
681 appeal.
682
- 683 c. **Procedure.**— The Superintendent Chief Operating Officer/~~or~~designee shall
684 review the written complaint, the accused/~~student's~~employee's response to the
685 complaint, and all documentation pertaining to the alleged harassment or
686 discrimination including the EEO/Title IX Coordinator's or ADA/504 Specialist's
687 decision.
688
- 689 i. The Superintendent Chief Operating Officer/~~or~~designee, ~~in his/her~~
690 ~~discretion~~, may request additional information.
691
- 692 ii. The Superintendent Chief Operating Officer/~~or~~designee shall issue a written
693 decision to the parties within twenty (20) calendar days of request of the
694 appeal.
695
- 696 d. If the complainant or custodial parent(s)/guardian of the complainant is not
697 satisfied with the results, appeal may be filed with the Superintendent/designee.

698 The decision of the Superintendent/~~or~~designee is final. However, if the
699 Superintendent is directly involved with a complaint or closely related to one of
700 the parties, then the Chief Counsel to the Board shall be asked to review the
701 matter, rather than the Superintendent, and report the results of the review to the
702 Board.

703

704 e. If the complainant is not satisfied with the results of the procedures contained in
705 this policy, he or she may utilize other means for resolution as provided by law,
706 including seeking recourse through the Federal Office for Civil Rights ("OCR").
707

708

22. **Confidentiality**

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710 a. To the greatest extent possible, all complaints will be treated as confidential and
711 in accordance with Fla. Stat. § 228.093(3)(d); ~~§ 119.07(3)(p)~~ and the Family
712 Educational Rights and Privacy Act ("FERPA"); and any other applicable law, such
713 as §§ 119.07(3)(p) and 231.291(3) or 231.262(1), Fla. Stat.

714

715 b. ~~However,~~ limited disclosure may be necessary to complete a thorough
716 investigation as described above. The District's obligation to investigate and take
717 corrective action may supersede an individual's right to privacy.

718

719 c. The complainant's identity shall be ~~confidentially~~ protected, but absolute
720 confidentiality cannot be guaranteed.
721

722

23. ~~Notice~~ **Informing Students and Employees About this Policy.** - - Notice of the
723 existence of this ~~p~~Policy, prevention plan, and procedures shall be posted in
724 prominent locations in all District buildings, including information on how to receive
725 a copy. Notice shall be included annually in student, parent, and staff handbooks.
726

727

728 a. ~~Upon receiving a complaint, and in accordance with federal and state privacy~~
729 ~~laws, the Principal or designee shall notify the parent(s)/guardians of all students~~
730 ~~under age 18 involved in the alleged harassment or discrimination within two (2)~~
731 ~~days of the allegations. Notification may be made by telephone, letter, or~~
732 ~~personal conference. The students involved and their parent(s)/guardians will~~
733 ~~also be notified of events and decisions described in this policy.~~

734

24. **Retaliation Prohibited**

- 735
736 a. Retaliation includes, but is not limited to, any form of intimidation, reprisal or
737 harassment in connection with filing a complaint or assisting with an
738 investigation under this Policy.
739
740 b. Retaliatory or intimidating conduct against any individual who has made a
741 harassment or discrimination complaint or any individual who has testified,
742 assisted, or participated, in any manner, in an investigation is specifically
743 prohibited.
744
745 c. ~~The P~~principal/ordesignee, and EEO/Title IX Coordinatr or ADA/504 Specialist,
746 if applicable, shall inform ~~the complainants~~ that ~~he/she/they~~ is are protected by
747 law from retaliation.
748

749 **25. Additional Assistance Available**
750

- 751 a. In all cases, the District reserves the right to refer the results of its own
752 investigation to the State Attorney for the Fifteenth Judicial Circuit of Florida for
753 possible criminal charges, whether or not the District takes any other action.
754
755 b. The District will provide counseling services for students who have been
756 harassed or discriminated against.
757
758 c. Training will be provided to assist teachers and counselors who work with
759 students to prevent harassment and discrimination. Attendance is mandatory.
760
761 d. The Office for Civil Rights is the federal agency in the Department of Education
762 that monitors ensures that schools' compliance with Title IX, Title VI, Title II of
763 the Americans With Disabilities Act, and Section 504, and it can be contacted at
764 1-800-421-3481; by fax at (404) 562-6455; or by e-mail at OCR Atlanta@ed.gov.
765
766 ~~A. For more information, contact: EEO Coordinator, 3370 Forest Hill~~
767 ~~Boulevard, Suite A-128, West Palm Beach, Florida 33406; Telephone: (561)~~
768 ~~434-8637 or the 504 Specialist, 3336 Forest Hill Boulevard, Suite B-102,~~
769 ~~West Palm Beach, Florida 33406; Telephone: (561) 434-8817.~~

770
771 **STATUTORY AUTHORITY:** §§ 230.22(2); 230.23 (17)(22); 230.23005(6), Fla. Stat.

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LAWS IMPLEMENTED:

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STATE BOARD RULES

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SUPPLEMENTED:

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794

HISTORY:

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§§ 119.07(3)(p); 228.2001(2)(a), (b) (Florida Education Equity Act); 228.093(3)(d); 230.22(1), 230.23(6)(d)1, 8; 230.33(8); 231.001; 231.291(3)(a); 231.262(1), 760.01(2), Fla. Stat.; Title II of the Americans With Disabilities Act (42 U.S.C. 12131, et. seq. (Title II of the Americans with Disabilities Act); Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681-1688 et. seq. (Title IX of the Education Amendments of 1972); Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et. seq. (Title VI of the Civil Rights Act of 1964); Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 (Section 504 of the Rehabilitation Act of 1973); 20 U.S.C. § 1232g (Family Educational Rights and Privacy Act ("FERPA")); § 228.2001(2)(a) Fla. Stat., ("Florida Education Equity Act"); § 228.093(3)(d); 230.23(6)(d)(1) and (8); 230.22(1) and (2); 230.33(8); 119.07(3)(p), Fla. Stat.

6A-19.001, 6A-19.002, 6A-19.008, 6B-1.006(3)(a), (g)

3/3/76; 8/17/77; 3/17/99; ___ / ___ /02